

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

|                                       |   |                      |
|---------------------------------------|---|----------------------|
| HEATH A. WILKINS, Register No. 99947, | ) |                      |
|                                       | ) |                      |
| Plaintiff,                            | ) |                      |
|                                       | ) |                      |
| v.                                    | ) | No. 08-4160-CV-C-NKL |
|                                       | ) |                      |
| STEVE LONG, et al.,                   | ) |                      |
|                                       | ) |                      |
| Defendants.                           | ) |                      |

**ORDER**

On May 7, 2009, United States Magistrate Judge William A. Knox recommended that defendants' motion to dismiss be granted, in part, and denied, in part. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on May 28, 2009. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of May 7, 2009, is adopted. [29] It is further

ORDERED that defendants' motion to dismiss is granted, in part, and denied, in part, as follows: granted on plaintiff's due process claims and ex post facto claims challenging changes in Missouri parole regulation 14 C.S.R. § 80-2.010; and denied on plaintiff's ex post facto claims against defendants in their official capacities, seeking declaratory and injunctive relief on claims

that the mandatory minimums of the Missouri Dangerous Felony Statutes are being retroactively applied to plaintiff's parole consideration.<sup>1</sup>

/s/

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NANETTE K. LAUGHREY  
United States District Judge

Dated: June 22, 2009  
Jefferson City, Missouri

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<sup>1</sup>Plaintiff is advised that all future filings in this case should relate only to his sole remaining claim seeking declaratory and injunctive relief on the allegation that his rights under the Ex Post Facto Clause of the Fourteenth Amendment have been violated by defendants' retroactive application of Missouri Violent Offender Statutes to his parole consideration.